

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHERRY FLETCHER,	)	
	)	
Plaintiff,	)	
	)	4:04CV3211
v.	)	
	)	
ALLTEL COMMUNICATIONS,	)	
	)	MEMORANDUM AND ORDER
Defendant.	)	
_____	)	

At the time of the pretrial conference counsel were advised that if this case were not reached for trial as then scheduled, they should write a letter to the undersigned setting forth their calendar conflicts for the upcoming two months. When the case was not reached, the file was brought to me for rescheduling. Nothing was heard from counsel regarding any conflicts. The order setting the case for trial was entered. Only now have counsel complained that they have conflicting trials or other professional obligations on the date set. Now is too late.

I shall not continue the trial beyond the May term. That leaves May 2, May 9, or May 31 for possible trial settings on Judge Kopf's calendar. Since the Schwartzkopf case, involving the same lawyers, was earlier set for trial on May 9 and has now been dismissed, I shall re-set this case for trial that week.

IT THEREFORE HEREBY IS ORDERED,

1. The motion for continuance, filing 77, is denied.
2. Jury trial of this case shall commence at 9:00 a.m. on May 9, 2005, for a duration of three days before Hon. Richard G.

Kopf. This case will be the FIRST CIVIL case called for trial that week. Jury selection will be at commencement of trial.

DATED this 25<sup>th</sup> day of April, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge